



**Serving**

**Bay Ho**

**Bay Park**

**Birdland**

**De Anza**

**Clairemont**

**Kearny Mesa**

**Linda Vista**

**Mission Valley**

**Mission Bay Park**

**Mission Village**

**Morena**

**Serra Mesa**

## The Public Has a Right to Know

In order to keep you better informed, I am changing the format of this issue of *Frye Lights* to include some background and analysis of the current debate about the budget process and what triggered it. Even though some are framing the issue as the "Mayor vs. the City Council," **I believe the most important issue in this debate is how the outcome could negatively alter and/or eliminate the public's role in the decision-making process.**

### The Budget Debate

The Mayor believes that once the City Council approves the annual budget, he has the authority to make changes to the budget and do with that budget as he sees fit (so long as he stays within the adopted budget). **The Mayor also believes that he does not need to bring those changes to the City Council for a public hearing.**

Specifically, the Mayor is opposed to a proposal by the Independent Budget Analyst that would amend the budget appropriation ordinance to require that, *"Budget change authorities granted to the Mayor require Council approval if such action will result in reducing, altering or eliminating service levels to the community, upon which the Adopted Budget has been based."*

In a January 25, 2007 press release, the Mayor stated that, *"The San Diego City Council will soon consider an ordinance that amends the FY07 appropriations ordinance. Not only is this ordinance poor public policy, it would de-rail efforts to reform our city's finances and would lock in spending practices that got our city into the financial crisis we now face."*

*"This proposed ordinance would give the City Council veto power over efforts designed to make government more efficient and accountable. This is wrong. The Council has apparently forgotten the voters approved empowering a strong mayor with the power to manage the city budget."*

The City Council and Independent Budget Analyst believe that the Mayor does not have the authority to unilaterally change the annual budget without first coming to the City Council **at a public hearing**, when it affects the level of services being provided to the public.

The Independent Budget Analyst stated in her Report (Number 07-13, January 22, 2007) that, *"The Mayor proposes the budget on April 15<sup>th</sup> of each year. The City Council amends or approves the spending practices after more than two and one-half months of public hearings. What is represented to the public throughout the public hearing process, as being funded or not funded in the budget, is the contract the City has with its citizenry. Once the budget is adopted, it is up to the Mayor to execute that contract in good faith. We feel that budget and policy changes, made after budget adoption, that affect the public should be brought forward to the City Council in a public forum. Not doing so leaves the citizenry*

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*out of what should be a very public process."*

### **The Events that Triggered the Budget Debate**

Last year, members of the community brought forward the issue of whether the Mayor has the authority to make changes to the budget without a public hearing. They spoke at non-agenda public comment and alerted the City Council to the budget changes proposed by the Mayor.

According to their public testimony, the Mayor had made the decision to eliminate one program and change funding to another with no public hearing. As a result, the City Council held public hearings to discuss whether the Mayor had the authority to unilaterally make service-level changes to the approved annual budget.

Below is another excerpt from the Independent Budget Analyst's Report (Number 07-13, January 22, 2007) that provides additional background.

*"It was brought to the attention of the IBA and City Council that changes had been made to the current year budget, without City Council approval or notification, that impacted service levels and/or programs adopted by the Council as part of the 2007 budget. Since that time, the issue of budget authority, and the respective roles of the Executive and Legislative branches, has been docketed and discussed at two separate meetings of the Budget and Finance Committee. On October 18, 2006, the Budget and Finance Committee requested the IBA to develop a proposal for Council review and consideration that addresses the Council's concerns relative to this matter."*

*"In reviewing this issue, our goal has been to focus on the policy discussion rather than the merits of the particular programs from which the issue surfaced. While the impacted programs, Take Back the Streets in Environmental Services and the Blue Level Swim Program in the Park and Recreation Department, are very important and require further discussion and resolution, our principal concern in this report is how decisions are made about City services that impact the community. As the City continues to work through the practical implications of our new form of government, we have to stay focused on what constitutes good government, which requires strong communication and transparency between the two branches of government and shared decision-making."*

### **The Public has a Right to Know and a Right to Participate**

I believe strongly that the public has a right to participate in the decisions made by their elected officials, and to see how those decisions are made at a public hearing. With very limited exceptions, government officials cannot and should not make decisions behind closed doors.

**While it may be more convenient for the Mayor and his staff to make decisions on their own and outside of public view, it is not good public policy.**

Moreover, there are laws regarding the role of the public in the governmental decision-making process. One in particular, California's **Ralph M. Brown Act**, has a very simple, but important, purpose - to ensure the accountability of government officials and to enable citizens' oversight of government agencies by keeping official decision-making processes as open as possible to public knowledge and participation. As stated in the Brown Act's preamble:

*"The public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."*



### **How the Outcome of this Debate Affects the Public**

The public would effectively be shut out of the decision-making process if it were to be determined that the Mayor can cut or eliminate programs and reduce public services that were approved in the annual budget without a hearing before the City Council. **If the City Council is removed from the decision-making process, so is the public.**

This would deny the public their right to participate in decisions about how their taxpayer dollars are spent because it would eliminate public hearings on budget changes that impact service levels and programs.

For example, assume the annual budget is adopted with the understanding that libraries were to remain open a certain number of hours. After a few months, the Mayor decided to close some libraries or reduce the hours of operation. Under the proposed ordinance, the Mayor would be required to bring the matter before the City Council at a public hearing before closing the libraries or changing the hours.

The ordinance proposed by the Independent Budget Analyst would allow the public the opportunity to exercise their right to participate and express their views. Often, the public has solutions that can help address the problem and it is important that the City Council hear those views.

What the Mayor seems to forget is that the public did not relinquish to him their rights to participate in decisions affecting their quality of life when they approved the strong mayor form of governance. Nor did they vote to remove themselves or the Legislative Branch of government from the process. Instead, they wanted to ensure more, not less, accountability in the decision-making process.

It is reasonable and necessary that the public has a say in how their money is spent. And once the budget decisions are made in a public hearing, any changes or cuts to approved programs or public services should also require a City Council hearing. **This is the only way the public can participate and voice their opinions to their elected officials before, and not after, final decisions are made about neighborhood programs and community services.**

### **What You Can Do**

This issue is scheduled to be heard by the City Council at a public hearing on February 5th. You can participate and express your point of view a number of ways on this issue. First, you can attend the public hearing and speak at the meeting by filling out a speaker slip. The meetings of the City Council are held at 202 C Street on the 12<sup>th</sup> floor of the City Administration Building.

If you wish to attend the meeting but do not wish to speak, you can still fill out a speaker slip noting your position and marking the box on the slip that you do not wish to speak. Finally, you can e-mail, call or send a fax stating your position to the City Councilmembers and Mayor. The contact information is provided on page 4 for your convenience.

For reference, on Monday, February 5, 2007 at 2:00 pm, the City Council will be voting on Item #200. This item would require the Mayor to report to the public and the City Council, the impacts on any services he is proposing to cut or reduce.

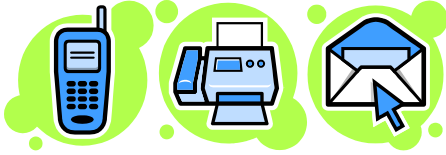


**I believe it is of utmost importance for the public to be aware of any service level cuts proposed for the city budget and ask that you call, fax, email or speak in favor of the IBA's recommendation that the City Council approve the resolutions to clarify budget process requirements.**

By working together, we can help ensure that public is allowed to continue participating in a meaningful way in San Diego City Council meetings. Thank you for your help and support.



## **City Official Contact List**

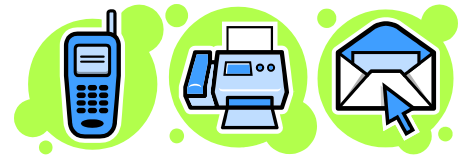


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## Councilmember Frye Files Public Record Act Request for Public Documents

On May 31, 2006, my Chief of Staff, Steven Hadley, received an e-mail from a member of the Mayor's staff announcing the city's first on-line customer satisfaction survey. Titled the "Customer SERvey," it contained 38 questions that asked about the public's satisfaction with a wide-range of city services.

According to the e-mail, the survey was "a very important element of the Mayor's new Customer Services Initiative," and that, "After the survey event concludes, we will format the responses and post the results on the Internet."

On August 11, 2006, Steve Hadley sent an e-mail to the Mayor's staff requesting a copy of the survey results. In an e-mail response to Mr. Hadley, the Mayor's staff stated that they would provide my office with a copy of the survey on August 18, 2006. Unfortunately, they did not.

There were numerous reasons given by the Mayor's staff over the next few months as to why they could not provide a copy (the silliest being that it was lost). I informed the Mayor's staff that the public had a right to see the survey. After repeated attempts to obtain a copy for the public, I filed a Public Records Act Request on December 5, 2006 – almost five months after I was first promised a copy. However, even that did not result in my obtaining a copy of survey, even though the law requires a response within a reasonable time.

Finally, on January 17, 2007, I requested a copy of the survey at a public meeting of the City Council Budget Committee. I also asked the City Attorney at that meeting what remedies were available when there is a failure to respond to a Public Records Act request. Within a few hours, a copy of the on-line customer satisfaction survey was hand delivered to my office and I released it to the public.

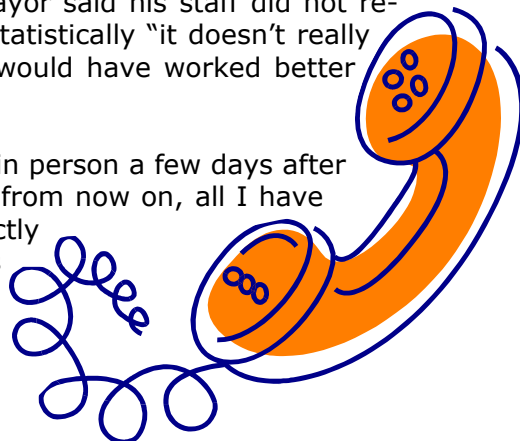
This experience raised a number of issues, not the least of which was my concern that if it was this difficult as a City Councilmember to obtain public documents, how difficult must it be for a member of the public?

In a January 18, 2007, *City News Service* article, it was reported that the Mayor's staff said my assertion that I was somehow prevented from getting the information was "baloney" and described the information collected through the on-line survey as "meaningless" and "not sanctioned by the Mayor."

Another article in *The San Diego Union-Tribune* reported that the Mayor said his staff did not release the report because it "generated so few responses", and that statistically "it doesn't really tell us anything." He also commented that "a phone call from me would have worked better than my written request."

Just to let you know, all's well that ends well. I spoke with the Mayor in person a few days after the articles appeared in the newspaper, and he indicated to me that from now on, all I have to do is call him. I appreciate the Mayor's willingness to work directly with me in an effort to ensure that this situation never happens again.

You can read the survey on my website at: [www.sandiego.gov/cd6](http://www.sandiego.gov/cd6) or call my office at (619) 236-6616 to obtain a hard copy.







## Frye Announces Linda Vista Village Mobile Home Park Removed from List of City Properties for Sale

Residents of Linda Vista Village, a mobile home community nestled on the canyon rim in Linda Vista, were recently shocked to hear a *Union-Tribune* reporter inform them that the property under their homes was being considered for sale by the owner - the City of San Diego.

Most residents became aware of the issue in an article on Sunday, January 14, 2007, detailing the City Real Estate Assets Department's examination of numerous properties to be considered as surplus and possibly sold.



Councilmember Frye took immediate steps to have Linda Vista Village removed from the list, as well as implement a method for future surplus determinations when the land being considered is residential.

On January 23, 2007, Councilmember Frye spoke with Jim Waring, Deputy Chief of Land Use and Economic Development and explained the concerns of the Linda Vista Village residents to him. Councilmember Frye requested, and Mr. Waring agreed to remove the Park from the initial properties for sale list. He provided his response in writing and also stated that as a matter of policy and fairness to residents, future consideration to sell properties with multiple tenants will be initiated by informing the tenants first, listening to their issues and then deciding if sale of the land would be the best public policy.

Councilmember Frye assisted over 200 residents of Linda Vista Village in getting the property removed from the list. She has also assisted the residents in obtaining contact information and additional resources.

## She's an Artist Too!

Councilmember Frye painted a plate and attended the third annual Soul Plates, Celebrities Dish Up Art on January 13, 2007, helping raise over \$15,000 for services for people living with HIV and AIDS.

The event enables Being Alive San Diego to provide support groups, information, referrals, moving assistance, social and recreational activities, haircuts/hairstyling and many other programs to those who suffer socially as well as physically.

The Councilmember's plate, titled "Moonburst," joined other plates and art from San Diego celebrities and Hollywood's entertainment crowd at the event in Balboa Park. For more information, check out [www.beingalive.org](http://www.beingalive.org).



"Moonburst," by Councilmember Frye





## Sewer & Water Rate Increases: What YOU Can Do

The Mayor has proposed a sewer and water rate increase and if adopted, the proposed rate changes will be implemented over the next four years. The amount of your utility bills will depend on your customer class (single family residential rates are different than industrial, for example) and the amount of water you use.

According to the Mayor, the proposed increases will help the City provide reliable, high quality water and sewer services. The City water and wastewater departments rely almost entirely on customer revenues to provide these services. No local, state or federal taxes offset the cost of these services. The proposed rates collect only that estimated amount needed to cover actual costs of water and sewer service. Service costs are increasing due to more demanding federal and state environmental rules, inflation, and the need to maintain equipment and facilities to avoid more expensive repairs later.

### How You Can Participate

Interested parties can comment on the proposed rates. California law prohibits the City from implementing the new rates if a majority of the affected property owners file written protests opposing the rates before the end of the public hearing. That means that if 50 percent plus 1 sewer and water customers mail in the appropriate protest forms (found below), the City of San Diego is legally prohibited from increasing water or sewer rates. **Written protests must be submitted before the end of the public hearing scheduled for 2:00 pm, February 26, 2007. Please send written protests to:**

**City Clerk, Mail Station No. 2P  
City Administration Building  
202 C Street  
San Diego, CA 92101**

### How You Can Get More Information

If you have questions regarding the hearing, the proposed rate or how to file a protest, please call Mary Ann Kempczenski, Councilmember Frye's staff member for sewer and water related issues, at (619) 236-5996.

#### ONLY USE FOR PROPOSED RATE INCREASE PROTEST

PLEASE CHECK ONE OR BOTH BOXES

I \_\_\_\_\_ protest the City of San Diego's proposed increases to: ☐ water rates ☐ sewer rates

(PRINT YOUR FULL NAME)

Property Address: \_\_\_\_\_ Signature: \_\_\_\_\_

If you wish to use this form as your protest, please fill out and mail in a stamped envelope to:  
City Clerk, City Administration Building, 202 C Street, MS 2P, San Diego, CA 92101

**NOTE: This form should only be used if you wish to protest the proposed rate increase.**



## Councilmember Frye Helps With New San Diego River Park Mural

On Saturday, January 27, 2007, Councilmember Frye joined San Diego River Park Foundation members, artist Julia C.R. Gray and dozens of volunteers to put the finishing touches on the new mural.

The mural was designed by local artist, Julia C.R. Gray. Other artists have assisted in this project by working with the design and grid developed by her. All members of the community were encouraged to take part in completing the mural.

The mural is part of the San Diego River Park Foundation's Community Enhancement Program. The Program is establishing a San Diego River Park and trail, and providing more public access to the river, as well as promoting its history. The San Diego River flows for 52 miles from as far east as the Julian area and west until it empties into the Pacific Ocean.



Councilmember Frye has worked for years to restore and protect the naturally beautiful area in and around the river. She is also Chair of the San Diego River Conservancy, an organization established by an act of the California Legislature to preserve, restore and enhance the San Diego River area.

## ATTN Mission Valley Residents & Property Owners

The Mission Valley Unified Planning Committee is an all-volunteer group whose primary purpose is to advise the City Council, Planning Commission and other governmental agencies as may be appropriate in the initial preparation, adoption of, implementation of, or amendments to the general or community plan, as it pertains to the area or areas of influence of Mission Valley.

Currently, one vacancy exists for a Class II member, defined as a person (or person representing a business entity) paying property taxes on any parcel of real property in the community.

The group meets on the first Wednesday of each month at Noon, in the Community Room of the Mission Valley Library on Fenton Parkway. The next meeting is on Wednesday February 7, 2007.

If you are interested or would like more information, please contact Lisa Gualco at (619) 543-8111 ext. 102, or email Lisa at [lgualco@pmrg.com](mailto:lgualco@pmrg.com).

## Free Oil Recycling

On February 24, 2007 at Mission Bay South Shores (Sea World Drive at South Shores Park at the parking lot east of Sea World) from 9:00 am to 1:00 pm, the City of San Diego Environmental Services Department is sponsoring a Free Auto Waste Recycling Event.

You can bring in used motor oil, antifreeze, oil filters and auto batteries. No business waste will be accepted.

The event is for City of San Diego residents only, and is limited to 10 gallons of waste.

For more information, please call (858) 694-7000.







## Important Phone Numbers

Abandoned Vehicles	858 495-7856
Animal Regulation	619-236-4250
Beach & Bay Advisory	619-338-2073
Birth and Death Records	619-237-0502
Brush Abatement	619-533-4444
Building Permits	619-446-5000
Buses/MTS Access	619-233-3004
Canyon Watchers Program	858 292-6484
City Council Docket Info	619-533-4000
City Directory	619-236-5555
Community Service Center	858 581-4111
Code Violations	619-236-5500
Curb Maintenance	619-527-7500
Dead Animal Removal	858 694-7000
Dog Licenses	619-767-2675
<b>Fire Stations</b>	<b>619-533-4300</b>
<b>Graffiti</b>	<b>619-525-8522</b>
<b>Hazardous Materials Hotline</b>	<b>858 694-7000</b>
Housing Commission	619-231-9400
Humane Society	619-299-7012
Libraries	
Balboa	858 573-1390
Clairemont	858 581-9935
Linda Vista	858 573-1399
North Clairemont	858 581-9931
Serra Mesa	858 573-1396
Litter Control	858 492-5010
Noise Regulation	619-236-5500
Office of Small Business	619-685-1390
Park and Recreation	619-525-8219
<b>Parking Citations</b>	<b>619-236-7145</b>
<b>Police: Non-Emergency</b>	<b>619-531-2000</b>
Pot Hole Hotline	619-527-7500
Recreation Centers	
Kearny Mesa	858 573-1387
Linda Vista	858 573-1392
North Clairemont	858 581-9926
Serra Mesa	858 573-1408
South Clairemont	858 581-9924
Tecolote	858 581-9930
Recycling Hotline	858 694-7000
Senior Citizens Services	619-236-6905
Serra Mesa Community Connection	858 565-2473
Sewer Repair/Spills	619-515-3525
<b>Sidewalk Maintenance</b>	<b>619-527-7500</b>
<b>Stormwater Pollution Hotline</b>	<b>619-235-1000</b>
Street Lights	619-527-7500
Street Sweeping	619-527-7500
Traffic Control	619-533-3126
<b>Tree Maintenance</b>	<b>619-527-7500</b>
<b>Water Emergency</b>	<b>619-515-3525</b>
<b>Water Utilities</b>	<b>619-515-3500</b>
Zoning Regulation Info	619-236-5555

## District Six Community Meetings

### Balboa Avenue Citizens Advisory Committee

Place: Clairemont Community Service Center,  
4731 Clairemont Drive  
When: 4th Wednesday/Month  
Time: 7:00 p.m.

### Clairemont Town Council

Place: Clairemont High School Cafeteria,  
4150 Ute Drive  
When: 1st Thursday/Month  
Time: 7:00 p.m.

### Clairemont Mesa Planning Committee

Place: Clairemont Friendship Senior Center,  
4425 Bannock Ave.  
When: 3rd Tuesday/Month  
Time: 6:30 p.m.

### Kearny Mesa Planning Group

Place: National University,  
9388 Light Wave # 114  
When: 3rd Wednesday/Month  
Time: 12:00 p.m.

### Linda Vista Civic Association

Place: Baha'i Center  
6545 Alcala Knolls Drive  
When: 3rd Thursday/Month  
Time: 6:30 p.m.

### Linda Vista Planning Group

Place: Linda Vista Library,  
2160 Ulric Street  
When: 4th Monday/Month  
Time: 6:00 p.m.

### Mission Bay Park Committee

Place: Rotating Venue  
When: 1st Tuesday/Month  
Time: 6:00 p.m.

### Mission Valley Community Council

Place: Mission Valley Library,  
2123 Fenton Parkway  
When: 3rd Wednesday/Odd Months  
Time: 6:00 p.m.

### Mission Valley Unified Planning Committee

Place: Mission Valley Library,  
2123 Fenton Parkway  
When: 1st Wednesday/Month  
Time: 12:00 p.m.

### Serra Mesa Community Council

Place: ARC, 9575 Aero Drive  
When: 4th Wednesday/Month  
Time: 7:00 p.m.

### Serra Mesa Planning Group

Place: Taft Junior High School,  
9191 Gramercy Dr.  
When: 3rd Thursday/Month  
Time: 7:00 p.m.



Councilmember Donna Frye  
City Administration Building  
202 C Street, MS 10A  
San Diego, CA 92101

**FRYE LIGHTS: CELEBRATING THE DISTRICT SIX SPIRIT**



**The District Six Staff:**

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Senior Policy Analyst

Kevin Smith  
Senior Policy Advisor

Mary Ann Kempczenski  
Keith Corry  
Pari Sanati-Zaker  
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Executive Assistant/Scheduler

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[www.sandiego.gov/cd6](http://www.sandiego.gov/cd6)

Register to receive updates & events from Councilmember Frye by signing up in the "Frye Lights" box at [www.sandiego.gov/cd6](http://www.sandiego.gov/cd6)!